

HOUSE BILL 1197

R5

11r2501
CF SB 851

By: **Frederick County Delegation**

Introduced and read first time: February 17, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Vehicle Laws – Overtaking and Passing School Vehicles –**
3 **School Bus Monitoring Cameras**

4 FOR the purpose of authorizing the Frederick County Board of Education, in
5 consultation with a certain local law enforcement agency, to place school bus
6 monitoring cameras on county school buses for the purpose of recording a motor
7 vehicle committing a violation relating to overtaking and passing school
8 vehicles; requiring a school bus operator to give a recording of the violation to a
9 certain local law enforcement agency; requiring a recording made by a school
10 bus monitoring camera to include certain images and information; providing
11 that the driver of a motor vehicle recorded committing a certain violation is
12 subject to a certain civil penalty; providing that a civil penalty under this Act
13 may not exceed a certain amount; requiring the District Court to prescribe a
14 certain uniform citation form and civil penalty; requiring a certain local law
15 enforcement agency to mail a certain citation to the owner of a certain motor
16 vehicle within a certain period of time; providing for the contents of a certain
17 citation; authorizing a local law enforcement agency to mail a warning instead
18 of a citation; authorizing a person receiving a certain citation to pay the civil
19 penalty or elect to stand trial; providing that a certain certificate is admissible
20 as evidence in a proceeding concerning a certain violation; providing that a
21 certain adjudication of liability is based on a preponderance of evidence;
22 establishing certain defenses, and requirements for proving the defenses, for a
23 certain violation recorded by a school bus monitoring camera; requiring the
24 District Court to provide certain evidence to a local law enforcement agency
25 under certain circumstances; authorizing a local law enforcement agency to
26 mail a certain notice within a certain time period after receiving certain
27 evidence; authorizing the Motor Vehicle Administration to refuse to register or
28 reregister a motor vehicle or to suspend the registration of a motor vehicle
29 under certain circumstances; establishing that a violation for which a civil
30 penalty may be imposed under this Act is a moving violation for certain
31 purposes, may be treated as a parking violation for certain purposes, and may

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 be considered for certain insurance purposes; requiring the Chief Judge of the
2 District Court, in consultation with certain local law enforcement agencies, to
3 adopt certain procedures; providing that a proceeding for a certain violation
4 recorded by a school bus monitoring camera is under the exclusive original
5 jurisdiction of the District Court; providing that a recorded image of a motor
6 vehicle produced by a school bus monitoring camera is admissible in a certain
7 proceeding under certain circumstances; defining certain terms; and generally
8 relating to the use in Frederick County of school bus monitoring cameras to
9 enforce offenses relating to overtaking and passing school vehicles.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 4–401(13) and 10–311
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Transportation
17 Section 21–706
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2010 Supplement)

20 BY adding to
21 Article – Transportation
22 Section 21–706.2
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2010 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article – Courts and Judicial Proceedings**

28 4–401.

29 Except as provided in § 4–402 of this subtitle, and subject to the venue
30 provisions of Title 6 of this article, the District Court has exclusive original civil
31 jurisdiction in:

32 (13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §
33 **21–706.2**, § 21–809, or § 21–810 of the Transportation Article or § 10–112 of the
34 Criminal Law Article;

35 10–311.

36 (a) A recorded image of a motor vehicle produced by a traffic control signal
37 monitoring system in accordance with § 21–202.1 of the Transportation Article is

1 admissible in a proceeding concerning a civil citation issued under that section for a
2 violation of § 21–202(h) of the Transportation Article without authentication.

3 (b) A recorded image of a motor vehicle produced by a speed monitoring
4 system in accordance with § 21–809 or § 21–810 of the Transportation Article is
5 admissible in a proceeding concerning a civil citation issued under that section for a
6 violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

7 (c) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A SCHOOL**
8 **BUS MONITORING CAMERA IN ACCORDANCE WITH § 21–706.2 OF THE**
9 **TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A**
10 **CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21–706 OF**
11 **THE TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.**

12 (D) In any other judicial proceeding, a recorded image produced by a traffic
13 control signal monitoring system, speed monitoring system, [or] work zone speed
14 control system, **OR SCHOOL BUS MONITORING CAMERA** is admissible as otherwise
15 provided by law.

16 **Article – Transportation**

17 21–706.

18 (a) If a school vehicle has stopped on a roadway and is operating the
19 alternately flashing red lights specified in § 22–228 of this article, the driver of any
20 other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from
21 the rear of the school vehicle, if approaching the school vehicle from its rear, or at least
22 20 feet from the front of the school vehicle, if approaching the school vehicle from its
23 front.

24 (b) If a school vehicle has stopped on a roadway and is operating the
25 alternately flashing red lights specified in § 22–228 of this article, the driver of any
26 other vehicle meeting or overtaking the school vehicle may not proceed until the school
27 vehicle resumes motion or the alternately flashing red lights are deactivated.

28 (c) This section does not apply to the driver of a vehicle on a divided
29 highway, if the school vehicle is on a different roadway.

30 **21–706.2.**

31 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
32 **MEANINGS INDICATED.**

33 (2) **“LAW ENFORCEMENT AGENCY” MEANS A LAW ENFORCEMENT**
34 **AGENCY IN FREDERICK COUNTY THAT IS AUTHORIZED TO ISSUE A CITATION**

1 FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC
2 LAWS OR REGULATIONS.

3 (3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR
4 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
5 MORE.

6 (II) "OWNER" DOES NOT INCLUDE:

7 1. A MOTOR VEHICLE RENTAL OR LEASING
8 COMPANY; OR

9 2. A HOLDER OF A SPECIAL REGISTRATION PLATE
10 ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

11 (4) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A
12 SCHOOL BUS MONITORING CAMERA:

13 (I) ON:

14 1. TWO OR MORE PHOTOGRAPHS;

15 2. TWO OR MORE MICROPHOTOGRAPHS;

16 3. TWO OR MORE ELECTRONIC IMAGES;

17 4. VIDEOTAPE; OR

18 5. ANY OTHER MEDIUM; AND

19 (II) SHOWING THE REAR OF A MOTOR VEHICLE AND, ON AT
20 LEAST ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE
21 REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

22 (5) "SCHOOL BUS MONITORING CAMERA" MEANS A CAMERA
23 PLACED ON A SCHOOL BUS THAT IS DESIGNED TO CAPTURE A RECORDED IMAGE
24 OF A DRIVER OF A MOTOR VEHICLE COMMITTING A VIOLATION.

25 (6) "VIOLATION" MEANS A VIOLATION OF § 21-706 OF THIS
26 SUBTITLE.

27 (B) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.

1 **(C) (1) THE FREDERICK COUNTY BOARD OF EDUCATION, IN**
2 **CONSULTATION WITH A LAW ENFORCEMENT AGENCY, MAY PLACE SCHOOL BUS**
3 **MONITORING CAMERAS ON COUNTY SCHOOL BUSES.**

4 **(2) IF A SCHOOL BUS MONITORING CAMERA RECORDS A**
5 **VIOLATION, THE SCHOOL BUS OPERATOR SHALL GIVE THE RECORDING OF THE**
6 **VIOLATION TO A LAW ENFORCEMENT AGENCY EXERCISING JURISDICTION**
7 **WHERE THE VIOLATION OCCURRED.**

8 **(D) A RECORDING BY A SCHOOL BUS MONITORING CAMERA UNDER THIS**
9 **SECTION INDICATING THAT THE DRIVER OF A MOTOR VEHICLE HAS COMMITTED**
10 **A VIOLATION SHALL INCLUDE:**

11 **(1) AN IMAGE OF THE MOTOR VEHICLE;**

12 **(2) AN IMAGE OF THE MOTOR VEHICLE'S REAR LICENSE PLATE;**

13 **(3) THE TIME AND DATE OF THE VIOLATION; AND**

14 **(4) TO THE EXTENT POSSIBLE, THE LOCATION OF THE**
15 **VIOLATION.**

16 **(E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A**
17 **CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE**
18 **OWNER OR, IN ACCORDANCE WITH SUBSECTION (H)(5) OF THIS SECTION, THE**
19 **DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR**
20 **VEHICLE IS RECORDED BY A SCHOOL BUS MONITORING CAMERA DURING THE**
21 **COMMISSION OF A VIOLATION.**

22 **(2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED**
23 **\$500.**

24 **(3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT**
25 **SHALL PRESCRIBE:**

26 **(I) A UNIFORM CITATION FORM CONSISTENT WITH**
27 **SUBSECTION (F)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE;**
28 **AND**

29 **(II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE**
30 **CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL**
31 **PENALTY WITHOUT APPEARING IN DISTRICT COURT.**

1 **(F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH**
2 **(4) OF THIS SUBSECTION, A LAW ENFORCEMENT AGENCY SHALL MAIL TO THE**
3 **OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION A CITATION THAT**
4 **SHALL INCLUDE:**

5 **(I) THE NAME AND ADDRESS OF THE REGISTERED OWNER**
6 **OF THE VEHICLE;**

7 **(II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE**
8 **INVOLVED IN THE VIOLATION;**

9 **(III) THE VIOLATION CHARGED;**

10 **(IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE**
11 **VIOLATION;**

12 **(V) THE DATE AND TIME OF THE VIOLATION;**

13 **(VI) A COPY OF THE RECORDED IMAGE;**

14 **(VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE**
15 **DATE BY WHICH THE CIVIL PENALTY MUST BE PAID;**

16 **(VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY**
17 **THE LAW ENFORCEMENT AGENCY THAT, BASED ON INSPECTION OF RECORDED**
18 **IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION**
19 **OF A VIOLATION;**

20 **(IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE**
21 **OF A VIOLATION; AND**

22 **(X) INFORMATION ADVISING THE PERSON ALLEGED TO BE**
23 **LIABLE UNDER THIS SECTION:**

24 **1. OF THE MANNER AND TIME IN WHICH LIABILITY**
25 **AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT;**
26 **AND**

27 **2. THAT FAILURE TO PAY THE CIVIL PENALTY OR TO**
28 **CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND**
29 **MAY RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE**
30 **REGISTRATION.**

1 **(2) THE LAW ENFORCEMENT AGENCY MAY MAIL A WARNING**
2 **NOTICE IN PLACE OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION**
3 **(E) OF THIS SECTION.**

4 **(3) EXCEPT AS PROVIDED IN SUBSECTION (H)(5) OF THIS**
5 **SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO**
6 **LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.**

7 **(4) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1)**
8 **OF THIS SUBSECTION MAY:**

9 **(I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH**
10 **INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE COUNTY OR THE DISTRICT**
11 **COURT; OR**

12 **(II) ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.**

13 **(G) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED,**
14 **SWORN TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF THE LAW**
15 **ENFORCEMENT AGENCY, BASED ON INSPECTION OF RECORDED IMAGES**
16 **PRODUCED BY A SCHOOL BUS MONITORING CAMERA SHALL BE EVIDENCE OF**
17 **THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY**
18 **PROCEEDING CONCERNING THE ALLEGED VIOLATION.**

19 **(2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A**
20 **PREPONDERANCE OF EVIDENCE.**

21 **(H) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A**
22 **VIOLATION:**

23 **(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
24 **THAT THE MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE**
25 **WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE**
26 **CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;**

27 **(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
28 **EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING**
29 **THE VEHICLE AT THE TIME OF THE VIOLATION; AND**

30 **(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**
31 **COURT DEEMS PERTINENT.**

32 **(2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR**
33 **THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED**

1 AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE
2 TIME OF THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE
3 REPORT ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS
4 FILED IN A TIMELY MANNER.

5 (3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH
6 (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL
7 PROVIDE TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE
8 DISTRICT COURT OF WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE
9 VIOLATION, INCLUDING, AT A MINIMUM, THE OPERATOR'S NAME AND CURRENT
10 ADDRESS.

11 (4) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY ONLY TO
12 A CITATION THAT INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED
13 GROSS WEIGHT OF 26,001 POUNDS OR MORE, A CLASS F (TRACTOR) VEHICLE, A
14 CLASS G (TRAILER) VEHICLE OPERATED IN COMBINATION WITH A CLASS F
15 (TRACTOR) VEHICLE, AND A CLASS P (PASSENGER BUS) VEHICLE.

16 (II) TO SATISFY THE EVIDENTIARY BURDEN UNDER
17 PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN A CITATION
18 DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY PROVIDE TO
19 THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND
20 MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

21 1. STATES THAT THE PERSON NAMED IN THE
22 CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION;
23 AND

24 2. PROVIDES THE NAME, ADDRESS, AND DRIVER'S
25 LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING THE
26 VEHICLE AT THE TIME OF THE VIOLATION.

27 (5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON
28 NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF
29 THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(II)2 OF THIS
30 SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF
31 THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE LAW
32 ENFORCEMENT AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE
33 SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE
34 VIOLATION.

35 (II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM
36 THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN
37 AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (F) OF THIS

1 SECTION TO THE PERSON THAT THE EVIDENCE INDICATES WAS OPERATING THE
2 VEHICLE AT THE TIME OF THE VIOLATION.

3 (III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF
4 THIS PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT
5 OF THE EVIDENCE FROM THE DISTRICT COURT.

6 (I) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT
7 CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER,
8 OR MAY SUSPEND THE REGISTRATION OF, THE MOTOR VEHICLE.

9 (J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS
10 SECTION:

11 (1) IS A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING
12 POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY BE RECORDED BY THE
13 ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE
14 VEHICLE;

15 (2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES
16 OF § 26-305 OF THIS ARTICLE; AND

17 (3) MAY BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE
18 INSURANCE COVERAGE.

19 (K) IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES, THE CHIEF
20 JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE
21 ISSUANCE OF CITATIONS, THE TRIAL OF VIOLATIONS, AND THE COLLECTION OF
22 CIVIL PENALTIES UNDER THIS SECTION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2011.